

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 USIE-00 OIC-02 SSO-00

NSCE-00 INRE-00 AS-01 AGR-05 CEA-01 CIAE-00 COME-00

DODE-00 FRB-03 H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00

NSC-05 PA-01 AID-05 CIEP-01 SS-15 STR-04 TAR-01

TRSE-00 PRS-01 SP-02 FEAE-00 OMB-01 /099 W

----- 063187

O R 181656Z NOV 75

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 6883

INFO AMEMBASSY BRAZILIA

USMISSION EC BRUSSELS

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E.O. 11652: N/A

TAGS: ETRD, GATT, BR

SUBJECT: BRAZIL GATT WAIVER

REF: A) TOKYO 16476; B) GENEVA 8680

1. BRAZILIANS HAVE INFORMED US THAT DESPITE US DEMARCHES IN BRAZILIA THEY HAVE RECEIVED INSTRUCTIONS TO INSIST ON REFERENCE TO PART IV AT GATT COUNCIL MEETING, NOV. 21.

2. OUR ASSESSMENT IS THAT THERE IS NO CHANCE THAT US WILL BE ABLE TO BLOCK REFERENCE TO PART IV IN WAIVER. THIS IS CONFIRMED BY REPORTS PRINCIPAL DCS, PARTICULARLY EC AND JAPAN UNLIKELY TO SUPPORT OUR POSITION. FURTHER, SINCE PART IV (ADD TO ARTICLE XXXVI:8) SPECIFICALLY STATES THAT PART IV APPLIES TO ARTICLE XXVIII RE-NEGOTIATIONS, AND SINCE PART IV HAS BEEN INCLUDED IN PREAMBLE TO OTHER LDC WAIVERS IN PAST AS ROUTINE MATTER, WE FEEL THERE IS MAJOR RISK THAT US FRONTAL ATTACK ON BRAZILIAN REQUEST

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WILL NOT ONLY FAIL BUT WILL BE COMPLETELY MISUNDERSTOOD.

3. WE BELIEVE QUESTION US SHOULD NOW ADDRESS IS NOT WHETHER PART IV APPLIES TO BRAZILIAN RE-NEGOTIATIONS BUT HOW IT DOES AND ITS IMPLICATIONS FOR COURSE OF THOSE NEGOTIATIONS. IF AT TIME OF NOV 21 COUNCIL WE REMAIN ISOLATED, BELIEVE BEST COURSE FOR US WOULD BE TO SUPPORT WAIVER WITH PART IV REFERENCE BUT MAKE STATEMENT ALONG FOLLOWING LINES IN COUNCIL GIVING OUR INTERPRETATION OF THE SIGNIFICANCE. WE COULD POINT OUT THAT WE DO NOT CONSIDER PART IV OR ANY OTHER SUBSEQUENT INTERNATIONAL DECISIONS ON RECIPROCITY (SUCH AS TOKYO DECLARATION WHICH USED VIRTUALLY IDENTICAL LANGUAGE) EXCUSES DEVELOPING COUNTRIES FROM MAKING APPROPRIATE RECIPROCAL CONCESSIONS IN TRADE NEGOTIATIONS. WE WOULD NOT, OF COURSE, EXPECT DEVELOPING COUNTRIES TO TAKE ACTION INCONSISTENT WITH THEIR DEVELOPMENT NEEDS, BUT ON OTHER HAND, THIS FACTOR WOULD NOT BAR ALL TARIFF BINDINGS OR ANY LIBERALIZATION ON THEIR PART. EACH CASE WOULD HAVE TO BE LOOKED AT ON ITS INDIVIDUAL MERITS AND TAKE INTO ACCOUNT DEGREE OF DEVELOPMENT OF LDC CONCERNED.DALE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LESS DEVELOPED COUNTRIES, TARIFF CONCESSIONS, TARIFF NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 NOV 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA08694
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750401-0601
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751134/aaaabdlh.tel
Line Count: 83
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 TOKYO 16476, 75 GENEVA 8680
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 29 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29 APR 2003 by BoyleJA>; APPROVED <30 APR 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: BRAZIL GATT WAIVER
TAGS: ETRD, BR, GATT
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006